



# CITY OF SUNNYVALE REPORT Planning Commission

**June 12, 2006**

**SUBJECT:**            **2006-0069 – KB Home** [Applicant] **Anthony R Marques Trustee** [Owner]: Application for related proposals on a 3.6-acre site located at **1168 Aster Avenue** (near Lawrence Expressway) in an M-S/ITR/R-3/PD (Industrial & Service/Industrial to Residential Medium-Density/Planned Development) Zoning District.

Motion                **Special Development Permit** to allow 80 condominium town house units

Motion                **Tentative Map** to subdivide one lot into 80 condominium units and 13 common lots.

## **REPORT IN BRIEF**

**Existing Site Conditions**            Four, one-story industrial buildings

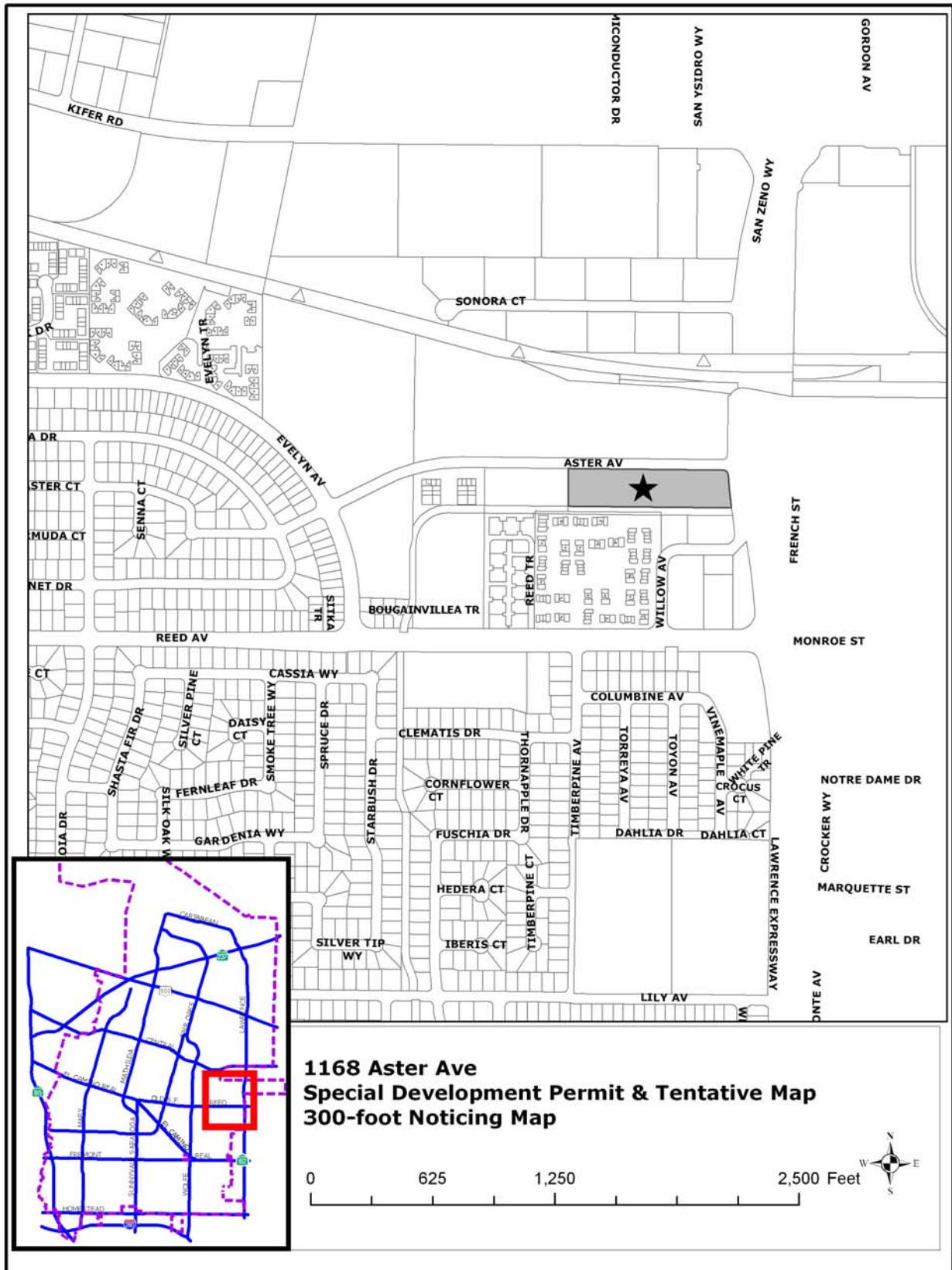
### **Surrounding Land Uses**

North	Heavy Industrial (concrete pavers manufacturing and retail – Calstone and Peninsula Building Material Supply)
South	Residential Medium Density and Light Industrial
East	Lawrence Expressway
West	Multi-family Residential

**Issues**                                    Noise, Parking

**Environmental Status**            A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**            Approve with conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial to Residential Medium Density	Same	N/A
<b>Zoning District</b>	MS/ITR/R-3/PD	Same	N/A
<b>Lot Size (s.f.)</b>	156,926	Same	8,000 min.
<b>Gross Floor Area (s.f.)</b>	59,732	145,980	N/A
<b>Lot Coverage (%)</b>	38%	46%	40% max.
<b>Floor Area Ratio (FAR)</b>	38%	93%	N/A
<b>No. of Units</b>	4	80	87 max.
<b>Density (units/acre)</b>	N/A	22	24 du/ac max.
<b>Meets 75% min?</b>	Yes	Yes	65 min.
<b>Lockable Storage/Unit</b>	None	Covered garages	300 cu. ft. min.
<b>No. of Buildings On-Site</b>	5	12	N/A
<b>Distance Between Buildings (ft.)</b>	15'	24' min	26' min.
<b>Building Height (ft.)</b>	18'	40'	30' max.
<b>No. of Stories</b>	1	3	2 max.
<b>Setbacks (First &amp; Second Stories Facing Property)</b>			
• <b>Front on Aster (minimum and average)</b>	48'	11' min. 15' avg.	15' min. 20' avg.
• <b>Front on Willow</b>	70'	21' min. 29' avg.	15' min 20' avg.
• <b>Right Side (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> stories)</b>	48'	10'/ 13'/ 13'	6'/ 9'/ 12'
• <b>Rear</b>	0'	20'	20' min
<b>Landscaping (s.f.)</b>			
• <b>Total Landscaping</b>	34,400	41,527	34,000 min.
• <b>Landscaping/Unit</b>	N/A	519	425 min.
• <b>Usable Open Space/Unit</b>	N/A	436	400 min.
• <b>Frontage Width (ft.)</b>	0	15' average	15' min.
• <b>% Based on Floor Area</b>	5%	28%	20% min.
• <b>Parking Lot Area Shading (%)</b>	20%	50%	50% min. in 15 years

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
• <b>Water Conserving Plants (%)</b>	N/A	70%	70% min.
• <b>Clubhouse (s.f.)</b>	N/A	600	225
<b>Parking</b>			
★ • <b>Total Spaces</b>	232	194 (plus 16 tandem spaces)	197 min.
• <b>Standard Spaces</b>	232	32	35 min.
• <b>Compact Spaces/ % of Total</b>	0	15/ 30%	35% max.
• <b>Accessible Spaces</b>	0	3	3 min.
• <b>Covered Spaces</b>	0	144	144 min.
• <b>Aisle Width (ft.)</b>	25'	24'	24' min.
• <b>Bicycle Parking</b>	0	6	6 Class II spaces

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## ANALYSIS

### Description of Proposed Project

The applicant is requesting approval of a Tentative Map to subdivide one parcel, totaling 3.6 acres, into 13 lots (i.e. 12 building lots and one common lot), and a Special Development Permit (SDP) to allow for construction of 80 town homes in 12 separate buildings. Private streets will extend through the site and provide access to private garages for each unit.

The project will include the required 12.5% Below Market Rate (BMR) units, for ten units, pursuant to the Sunnyvale Municipal Code (SMC) Section 19.66.020 (see BMR Conditions of Approval in Attachment B).

The following is a summary of the proposed sizes and square footages for the units. The unit sizes includes the garage areas:

Unit Type	Number of Units	Unit Type	Unit Sizes
Plan 1	16	2 Bedroom	1,582 sf
Plan 2	16	2 Bedroom	2,544 sf
Plan 3	12	3 Bedroom	1,936 sf
Plan 4	12	3 Bedroom	2,017 sf
Plan 5	16	3 Bedroom	2,027 sf
Plan 6	8	3 Bedroom	2,012 sf

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
1976-0277	Original building permit for the industrial buildings on site	Planning Commission Approval	1/10/1976

A study issue (Futures Study) allowing the development of residential units in areas zoned for industrial use was completed in 1993 to address ongoing housing shortages. As a result of the study, City Council approved a Rezone, which added the Industrial to Residential (ITR) Combining District and the R-3 designation to the existing M-S Zone. The ITR Combining District allows industrial, office, commercial and residential uses to exist within the same zoning district, and allows existing industrial, office and commercial sites to convert to residential use. The R-3 district defines the residential density and development standards.

**Environmental Review**

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (See Attachment D).

**Environmental Context:** The surrounding Zoning to the west and east are both multi-family residential (R-3/PD -Residential High Density/Planned Development and City of Santa Clara multi-family housing project across Lawrence Expressway). The Zoning to the north is an Industrial to Residential (M-3/ITR/R-3/PD) Zone which is currently being used as a building materials manufacturer, retailer, and storage yard (masonry – rock, pavers, brick) The site includes Peninsula Building Materials and Calstone; businesses that have been present since the early 1960's. The Zoning to the south is Residential Medium Density (R-3/PD) with a condominium development (Sunnyvale Meadows). To the south is also an Industrial to Residential (M-3/ITR/R-3/PD) Zone with an industrial business on-site (Rainbow Play Structures).

**Noise:** The City currently has two documents on record relating to noise at this site. The first is the Program Environmental Impact Report that was completed for the ITR Future Sites in 1993. This document analyzed the potential noise impacts of future residential uses in the existing industrial zones and concludes that there would not be a mixed-use significant noise impact for this future site (Site 4b). The Program EIR also concluded that additional site-specific

environmental review may be necessary at the time development applications are submitted. The second document on record is the City's Noise Sub-element, which provides a description of the current and future noise environment in Sunnyvale. The Sub-element shows the noise conditions at specific sites and provides acceptable decibel (dB) levels.

As is standard practice for most ITR projects, staff requested the applicant submit a noise study for this project. Concerns were potential noise impacts from Lawrence Expressway and surrounding industrial uses. The noise study is intended to serve two primary functions; first, to disclose all information relating to possible noise impacts at the site, and second, to determine if mitigation measures are required for the project.

The applicant submitted a noise study prepared by Veneklasen Associates, (see Attachment C) analyzing the existing exterior noise levels at the site on November 30 and December 1, 2005. The study measured the noise levels at the property lines along Aster Avenue and the corner of Aster and Willow Avenue. The area includes both Caltrain and freight trains north of the site, Peninsula Building Materials activities, Calstone activities operating 24 hours during these dates), Aster Avenue road noise, and Lawrence Expressway road noise. The measurement occurred over two, 24-hour periods and the results are presented as an average for the day/night (LDN or DNL).

According to the noise study, noise levels along Aster were the most significant and reached LDN 67dB over the 24-hour period. The average levels along Willow Avenue were LDN 64dB. To account for a future traffic increase, 1dB was added for total noise levels of LDN 68dB and 65dB. The noise level as measured from a second story level facing towards Lawrence Expressway is expected to increase by 6dB, for a total LDN of 70dB.

The report concludes that the single greatest source of noise was from semi-truck traffic along Willow and Aster Avenues. The trucks are driving to and from the Calstone/Peninsula Supply site for purpose of deliveries. The report also states that the exterior noise levels can be categorized into three noise impact zones. The first zone is the Willow Avenue side of the project. This zone is approximately 40' deep and represents 5% of the total site.. The noise level in this area will reach LDN 64dB on the first floor and LDN 70dB on the second floor. The second zone, which will have the greatest impact to future residents, is the area along Aster Avenue. This area is approximately 25' deep and represents 13% of the total site. Here the noise level will reach LDN 67dB, with noise levels expected at LDN 67dB for the second stories. The third zone is the remaining area of the project site equaling 82% of the total site. Noise levels here are expected to reach a maximum LDN 59dB since this area is generally shielded by the future buildings from the greater noise impacts in the area.

When determining if noise generated from adjacent streets are at acceptable levels for a project, recommended standards from the Noise Sub-element of the General Plan are typically applied to projects. The Sub-element requires that interior noise levels cannot exceed a maximum DNL or LDN of 45dB when there is an exterior noise level of 60dB or greater. In this case, the noise level generated from Willow Avenue reached DNL 64dB and Aster reached DNL 67dB, therefore, the noise needs to be attenuated through standard construction techniques, so that the interior noise level is DNL 45dB or less. This will be accomplished through mitigation measures that have been included in the conditions of approval.

The Sub-element also states that an exterior noise level of DNL 60dB should attempt to be achieved for all outdoor recreation areas, backyards, patios, and large balconies in residential projects. The DNL 60dB is not a mandatory requirement but a policy of the Sub-element that should be achieved through project design, site planning, and noise mitigation. In this case, the open space areas immediately adjacent to Aster and Willow Avenues will have an outdoor exposure of DNL 64dB – 70dB. The remainder of the open space will be below the 60dB level, due primarily to the shielding of noise by the new buildings.

Staff and the applicant worked together to determine the optimal site plan configuration that would minimize the potential noise impacts to future residents. As part of this, the outdoor usable open space and community clubhouse have been sited near the rear and center of the project, furthest from the noise sources. In this location, the recreation areas will be shielded from surrounding road and industrial noise by the new buildings, which will function as noise buffers.

The study recommends ventilation systems for all units to meet noise level requirements with closed windows, and Sound Transmission Class (STC) rating of 30 for windows in order to meet the indoor noise level maximum of LDN 45dB. The report also included a recommendation for STC 40 rating for all windows and doors in units fronting along Aster and Willow Avenues, as a mitigation for the adjoining noise uses to address potential annoyances from the existing conditions.

This will be accomplished through the following mitigation measures:

- 1) Any residential unit fronting on Aster Avenue or Willow Avenue shall have **ALL** windows and doors (including any side windows/doors) sound rated to a range of STC 40 or greater.
- 2) All other residential units shall have all windows and doors sound rated to a range of STC 30 or greater.

- 3) Since all windows and doors are required to be shut to achieve LDN 45dB or less, ventilation or air conditioning systems are required to be incorporated to provide a habitable environment for all habitable space.
- 4) Prior to final occupancy of all units facing Aster Avenue or Willow Avenue, a noise consultant shall conduct a 24-hour test analyzing the existing interior noise levels. The measurement occurred over two, 24-hour period when Calstone is under full operation (24 hours) and the results are presented as an average for the day and shall achieve an LDN or 45dB or less.

Staff is concerned with the potential noise impact to this project from the adjacent industrial use. The primary concern is that future residents may buy a home in this development unaware of the existing noise levels in the area. In order to minimize this event, staff is recommending the following conditions, in addition to the mitigation measures outlined above.

- 1) The CC&Rs for the project shall include a disclosure statement outlining the existing noise conditions in the area, a summary of the Industrial to Residential (ITR) zone, and all existing noise conditions in the area, including air traffic noise, Caltrain noise, Lawrence Expressway noise, and nearby industrial use noise. The statement shall fully describe the adjacent industrial operations, including allowed uses, hours of operation, types of operations, maximum noise levels allowed, etc. This statement shall be signed by all parties purchasing a unit.
- 2) The developer (KB Home) shall sign an agreement with the City indemnifying the City from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City, and the City shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense.
- 3) A current Sunnyvale Zoning Map (24x36) shall be posted on the wall of the sales office at all times when sales are conducted.

**Hazardous Materials:** The applicant submitted a Phase I Environmental Assessment study for the subject property. The study was completed by AES Environmental in 2005. The study concludes that there are no signs or record evidence of environmental contamination or any hazardous substances at the site. The report suggests no further investigation is required at this time.



**Special Development Permit**

**Present Site Conditions:** The project site is comprised of one parcel and currently occupied by four industrial buildings; all buildings are proposed for demolition as part of this application. The buildings are currently occupied by light industrial uses, such as general contractors, storage, etc., as well as professional office uses.

**Use:** The proposed project consists of 80 ownership condominium units at a density of 22 units/acre. The maximum allowed density under the R-3 Zoning designation is 24 units/ acre for a maximum number of 87 units. An 80-unit project satisfies the housing goal of achieving at least 75 percent of the maximum allowable density (18 units/acre).

**Site Layout:** The proposed development exceeds the overall lot coverage standards at 46% where 40% is the maximum allowed. The slight increase in lot coverage is due to somewhat larger footprints for the units. In order to achieve the required 40% lot coverage, approximately 9,415 square feet would have to be eliminated from the site or 117 square feet on the first floor of each unit. The increase in lot coverage over 40% is due primarily to the density at 22 units/acre where 18 units/acre is the minimum. Most town home projects achieve the minimum 18 units/acre only. There is no maximum Floor Area Ratio for projects in the R-3 Zoning District.

The project's 80 units are arranged into 12 buildings on the site, with buildings of six and eight units. The buildings and driveways have been aligned so the buildings face one another to create linear common front yard areas (paseos). The site layout pattern is typically recommended by staff for multi-family residential sites that have a long rectangular configuration. The new streets will be private drives and will serve both public safety and solid waste vehicle access. The applicant is proposing a decorative paving section to be installed on each drive aisle, near the entrance of the site. This feature will add visual interest to the development as well as provide pedestrian travel paths.

The common open space areas are centered near the ends of the pedestrian paseos leading between the units. The community clubhouse is located near the back and center of the site in order to minimize any potential noise and visual impacts.

The following Guidelines were considered in analysis of the project site design:

<b>Design Policy or Guideline (Site Layout)</b>	<b>Comments</b>
<b>City Wide Design Guidelines</b> <b>Site Design B9:</b> Residential projects may have a primarily internal orientation for privacy, providing the site is visually linked with its surroundings by appropriate use of landscaping and building siting.	The proposed project offers private open space to each unit and internal circulation through a private drive. Additional landscaping to the site will provide an attractive overall streetscape.

**Architecture:** The proposed architecture is generally a Spanish style with modern design elements such as, rock façade entrances, wood shutters, iron railings, etc. The structures will consist of rock and stucco materials for the exterior siding and concrete flat tiles for the roof materials. The units fronting on Aster and Willow Avenues will present towards the street to help create a more traditional residential streetscape. In general, staff believes the applicant has met the goals of the City-Wide Design Guidelines with the proposed architecture and that the styling is consistent with the Spanish form of architecture.

Staff is recommending one modification to the proposed architecture. The right elevations of all building have entryways that are somewhat plain and unadorned. These are the entrances for the accessible units and are not located on the pedestrian paseos. Staff is recommending a condition of approval that requires the entrances to be redesigned to be similar to the front entrances of the other units. This requirement includes the addition of a rock veneer around the entryway, possible addition of a new gabled roof line, and the addition of a recessed porch area.

The maximum height of the buildings, as measured from the top of curb on Aster Avenue is 40' to the highest point of the buildings. Building height deviations are not uncommon in R-3 Zoning District town house developments, as it is otherwise difficult to meet the minimum density requirement of 75% and provide required parking, open space, and site circulation; particularly when town house style development includes two car garages. The actual buildings are between 37' and 40' high. The applicant is proposing to raise the grade of the site by three feet in order to remove the town homes from the "AO" Flood Zone. Removal from the flood plane is required for all residential structures under California Uniform Building Code. There have been a number of recent examples of similar town house projects where the topography is required to be raised, thus affecting the height of the buildings.

The following Guidelines were considered in the analysis of the project architecture:

<b>Design Policy or Guideline (Architecture)</b>	<b>Comments</b>
<b>City Wide Design Guidelines</b> <b>Scale and Character B1:</b> Break up large buildings into groups of smaller segments whenever possible, to appear smaller in mass and bulk.	The proposed building design uses articulation and colors in order to visually break up the buildings by unit.
<b>Scale B2:</b> Adjacent buildings shall be compatible in height and scale.	The adjacent project is a similar, three-story town house development.
<b>Architecture and Design C1:</b> Maintain diversity and individuality in style but be compatible with the character of the neighborhood.	The Spanish style of the project will be unique relative to the adjacent town house project, but will be compatible with the character of the surrounding neighborhood.
<b>Architecture C9:</b> Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, etc.	The architecture of the buildings has a number of design elements that create a high-quality product, including rock façade entrances, wood shutters, iron railings, etc.

**Landscaping:** Residential uses within the R-3 Zoning District are required to provide a minimum average of 400 square feet of usable open space and 425 square feet of landscaping per unit. The project meets the requirement for usable open space with 436 square foot per unit. The site also provides adequate landscaping area with 519 square foot of landscaping per unit.

The applicant has submitted an Arborist's Report showing there are 80 trees on site, of which 55 are considered protected under SMC. The majority of the trees are proposed for removal since they will be impacted by the redevelopment of the site. The report also states the trees are in good to fair conditions. The city arborist has reviewed the Arborist's Report and concurs with the findings that the existing trees are impacted by proposed development. Many of the larger sized trees are Canary Island Pines, which were planted when the site was initially developed in 1977. The applicant is proposing to retain three of these trees on the north and western property lines.

The applicant is also proposing to make substantial upgrades to the existing landscaping. The project includes the installation of approximately 160 new trees

of varying species and the addition of bushes throughout the site. A landscaping/irrigation plan with types, quantities, and sizes of trees and shrubs has been submitted and can be found in Attachment E. Staff is recommending a condition of approval that all new street trees are at least 24 inch box trees or larger.

**Use of Separation Wall:** Sunnyvale Municipal Code requires a decorative masonry/sound wall separating residential and commercial uses. In this case, only the southern property line would be required to have a six foot high masonry wall, since the adjacent commercial building is a one-story structure.

**Clubhouse:** All multifamily residential projects over 50 units are required to provide a community room. To meet this requirement, the applicant is proposing a clubhouse of 600 square feet where 225 is the minimum required. The building includes a kitchen and bathroom for a total square footage of 735.

The following Guidelines were considered in analysis of the project landscaping:

<b>Design Policy or Guideline (Landscape)</b>	<b>Comments</b>
<b>City Wide Design Guidelines</b> <b>Landscaping A2:</b> Preserve and incorporate existing natural features, particularly trees, on a site into the landscape design of projects.	The project proposes to add new landscaping and trees which will enhance the site with appropriately placed trees.
<b>Landscaping A4:</b> Properly landscape all areas not covered by structures, driveways, and parking.	The site meets the total landscaping requirement for each unit and will provide approximately 160 new trees throughout the site.
<b>Site Organization B14.</b> Design multi-building residential complexes to differentiate between private, semi-private, and common spaces through building placement, landscaping, etc. Delineate each space for proper use and access by residents.	The site design creates a combination of private, semiprivate, and common landscape areas. The areas are properly delineated thorough the use of low patio walls and pathways, to allow proper use and access by residents.
<b>Open Space C8.</b> Provide direct access to common useable open space from buildings. Common open spaces shall be useable for recreational purposes.	The internal pathways provide direct access between buildings, parking areas, and open spaces. The common open spaces provide recreational opportunities and a clubhouse for community meetings.

**Below Market Rate (BMR):** This project will provide ten Below Market Rate (BMR) units to meet the City's requirement of allocating 12.5% of new ownership housing units as BMR units. The BMR units will be selected in accordance with the City of Sunnyvale Below Market Rate Housing Program Administrative Procedures. The applicant has signed a BMR Standard Permit Conditions document.

**Required Storage:** Sunnyvale Municipal Code 19.38.040 requires multi-family residential projects to provide a minimum of 300 cubic feet of separate, lockable, and weatherproof storage space. This project meets this requirement by providing every unit with two car garages as well as enclosed storage areas on the garage level.

**Parking/Circulation:** The project providing 194 total parking spaces on-site where 197 are required by SMC. 64 of the 80 proposed units have two car covered spaces per unit for a total of 128 spaces. The remaining 16 units have tandem parking for two cars, however the interior space is not counted towards the total required parking. All units are required to provide surface parking for guest at a ration of 1/2 space per unit for a total of 40 spaces. Each unit will have direct access from the living area of the individual unit into its attached garage.

The Planning Commission and City Council recently reviewed a Study Issue exploring the possibility of allowing a limited percentage of tandem parking to be counted towards the total required parking. This would only apply in the circumstance of multi-family projects located within walking vicinity of a mass transit station. Both the Commission and Council determined that this allowance was not appropriate to allow on a city-wide basis and instead required that these projects be reviewed individually at the time of the public hearing.

The rationale behind allowing tandem parking is that homeowners, located near mass transit, may own the same number of vehicles but use them less often. The tandem spaces therefore become less of an inconvenience while the city receives a larger number of residential units located close to mass transit.

The subject project is within walking distance of one of two Sunnyvale Caltrain stops, the Lawrence Station. The proposal contains 194 total parking spaces plus 16 tandem spaces where 197 standard spaces are required. The applicant has requested to allow three of the 16 tandem spaces to be counted towards the total parking requirements, which amounts to a 1.5% deviation from SMC standards. This site is one of only a limited number of housing locations that could be considered walking distance to either Caltrain or the VTA Lightrail station.

**Bicycle Parking:** The enclosed two car garages will meet SMC requirements for secured bicycle parking. The applicant is providing six bicycle racks (rate of 1:15 units) in two locations on site.

**Trash Enclosure:** SMC requires that multi-family uses, of four or more units, have centralized trash and recycling enclosures at the site. The applicant has incorporated three centralized enclosures on site, both with dumpsters and recycling containers which meet SMC requirements.

**Stormwater Management:** This project requires compliance with the Stormwater Management requirements. The City of Sunnyvale requires Stormwater Management Plans to be certified by a qualified third party consultant prior to issuance of building permits. The applicant has been advised of the associated Stormwater Management Plan costs and responsibilities for construction and long term maintenance and reporting. The applicant has provided a preliminary plan that indicates generally how they will comply. Staff finds the initial submittal sufficient; however, a third-party certified set of plans will be required prior to issuance of Building permits.

**Easements/Undergrounding:** All existing and new services are required to be undergrounded.

### **Tentative Map**

**General:** The proposed project requires a Tentative Map to subdivide one parcel, totaling 3.6 acres into 13 lots.

**Access:** All units obtain vehicular access from six private drives leading from Aster Avenue. Utilities will be placed underground in the common lot via a public utilities easement.

### **Compliance with Development Standards**

Requested Deviations	Justifications
<ul style="list-style-type: none"> <li>• Building heights of 40' where 30' is the maximum allowed</li> <li>• Three stories where only two is allowed by code</li> <li>• Lot coverage of 46% where 40% is the maximum allowed</li> </ul>	<ul style="list-style-type: none"> <li>• Building height deviations are typical for town house projects, particularly those in flood zones, for town house projects recently approved in Sunnyvale.</li> <li>• This requirement will change to three stories after June 14, 2006.</li> <li>• This project exceeds the minimum landscape and usable open space</li> </ul>

Requested Deviations	Justifications
<ul style="list-style-type: none"> <li>• The distance between building is 24' where 26' is the minimum</li> <li>• Total number of parking spaces of 194 where 197 is the minimum</li> <li>• A front yard setback on Aster of 11' minimum and 15' average where 15' is the minimum and 20' average is required</li> <li>• The landscape frontage width is less than 15' min.</li> </ul>	<p>requirements and the site layout allows for efficient circulation/parking. The project achieves 92% of the allowed density, exceeding the 75% minimum required.</p> <ul style="list-style-type: none"> <li>• Greater open space is provided in the pedestrian paseo area in exchange for narrower, private streets at 24' wide.</li> <li>• The site is located directly adjacent to a Caltrain station and the site contains 16 tandem garage spaces but is only deficient by three spaces (1.5%)</li> <li>• The parcel is relatively wide and shallow, thereby limiting site planning options available. The units facing Aster present to the street, thereby mimicking and complementing the current and future development pattern in the neighborhood.</li> <li>• The front elevations are articulated so that some portions encroach as close as 10' and some are greater than 20'. The average width is 15'</li> </ul>

Staff believes this project provides a higher level of architectural quality, increased average open space and landscaping per unit, a compatible residential use with the surrounding uses and additional ownership opportunities that would not be available if the project were required to comply with the standards noted. Staff also believes this site contains a number of constraints that limit potential site planning options that would otherwise be available is a larger multi-family project. Staff finds adequate justification to approve the requested deviations with the Recommended Conditions of Approval.

### **Expected Impact on the Surroundings**

Staff finds that with mitigation measurements, the proposed project will not have an impact to the surrounding neighborhood. No significant traffic or noise impacts are expected as a result of the project and no visual impacts are expected. The applicant has worked with staff to address the project's compatibility with the existing neighborhood and to minimize any potentially negative impacts.

**Fiscal Impact**

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**Transportation Impact Fee**

There would be no net increase in the trip generation at this site. This is due to the large square footage of the existing office buildings. Therefore, no Traffic Impact Fees will be required for this project.

**Park Dedication Fee**

This project is subject to Park Dedication Fees. The park dedication fees for this project are \$7,350.75 per unit. This fee shall be collected prior to action on a Final Map.

**Public Contact**

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**Planning Commission Study Session:** A Planning Commission study session was held for the item on April 24, 2006. At that meeting, the Planning Commission generally expressed support of the project but also expressed concern over the following issues: exterior finish (colors and use of foam trim) and environmental issues (noise impacts from adjacent businesses and roadways).

The applicant has subsequently submitted a revised acoustical analysis which is discussed in detail above.

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 174 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li></ul>



## **Conclusion**

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**Discussion:** Staff believes that this project provides a high quality residential project with the following benefits to the City: increased average open space and landscaping per unit; nine new Below Market Rate housing units; and, additional ownership opportunities. Staff finds adequate justification to recommend approval the requested deviations with the Recommended Conditions of Approval.

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

**Recommended Conditions of Approval:** Conditions of Approval are located in Attachment B.

## **Alternatives**

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1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with the attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.
5. Direct staff to work with the Calstone/Peninsula Building Supply owners to help their business meet the maximum allowed operations noise standards.

## **Recommendation**

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Alternatives 1 and 5.

Prepared by:

Steve Lynch  
Project Planner

Reviewed by:

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Reviewed by:

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Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Noise Analysis from Veneklasen Associates, dated May 30, 2006
- D. Mitigated Negative Declaration
- E. Site and Architectural Plans

## General Plan Goals and Policies

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### Housing and Community Revitalization Sub-element

**Policy A.2:** *All new residential developments should build at least 75 percent of the permitted density.*

The proposal exceeds this policy with 80 housing units, where 65 units would meet the 75 percent minimum allowed.

**Policy C.1:** *Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.*

The project provides needed housing opportunities within an industrial to residential conversion neighborhood. While the character of the existing neighborhood is a mix of both residential and industrial projects, the project preserves the residential character of the neighborhood and continues the high quality design and identity of the immediate neighborhood.

**Goal D:** *Maintain diversity in tenure, type, size, and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.*

The project provides additional ownership opportunities within a multi-family style of residential development.

**Goal E:** *Maintain and increase housing units affordable to households of all income levels and ages.*

The proposal meets this goal with 70 market rate units and 10 new BMR units.

### Land Use and Transportation Element

**Policy C2.2:** *Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choices.*

This project achieves this policy with 80 ownership housing units.

**Policy N1.2:** *Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.*

The project site is situated between one existing medium density multi-family use and a second, recently approved, medium density residential project. While there is an industrial use across the street, all parcels surrounding and including the subject parcel, are zoned industrial to medium density residential conversion zone. The proposed project is compatible with the adjacent land uses and the zoning for the area.

**Community Design Sub-element**

**Policy C.4:** *Encourage quality architectural design, which improves the City's identity, inspires creativity, and heightens individual as well as cultural identity.*

The proposed architecture incorporates high quality design and significantly improves the visual appearance of the site.

**Noise Sub-element**

**Action Statement:** *3.6A.1f Supplement the "Noise and Land Use Compatibility Guidelines" (Table 2) for residential uses by attempting to achieve an outdoor Ldn of no greater than 60 dBA for common recreation areas, backyards, patios, and medium and large-size balconies. These guidelines should not apply where the noise source is a railroad or airport. If the noise source is a railroad, then an Ldn of no greater than 70 dBA should be achieved in common recreation areas, backyards, patios, and medium and large balconies. If the noise source is from aircraft, then preventing new residential uses within areas of high Ldn from aircraft noise is recommended.*

The proposed project, as previously described in the Noise section of this report, has achieved a LDN 60dB or less for the majority of open space areas on the site. While the open space areas along Aster and Willow Avenues are greater than LDN 60dB, these areas do not exceed LDN 67dB maximum. In addition, the project has been designed so that all units will meet or exceed the interior LDN 45dB, as required by California Building Code.

**Recommended Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

The project meets the goals and policies of the General Plan, as enumerated above.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either, the orderly development of, or the existing uses being made of, adjacent properties.

The proposed architecture meets the City-Wide Design Guidelines. The proposed project meets the intent of the ITR zoning district. There are two other residential projects located on Aster Avenue which the proposed project is similar to. There will be no change in Sunnyvale code requirements as a result of this project therefore, the existing uses on adjacent properties will not be impacted, interfered, or otherwise damaged by the proposed use.

### **Recommended Findings - Tentative Map**

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Staff is able to make the finding that the Tentative Map, with the Recommended Conditions of Approval is in conformance with the Sunnyvale Municipal Code and recommends approval of the map as attached.

The condominium subdivision, together with the provisions for its design and improvements, is consistent with the objectives, policies, general land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, meets the overall density allowed in the proposed R-3 Zoning District and supports a land use that is compatible with the surrounding neighborhood. The project also meets the goals and policies of the General Plan, as enumerated above.

However, the approving authority shall deny the Tentative Map if it makes any of the following findings:

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

Staff was not able to make any of the findings (1-8), and recommends approval of the Tentative Map.

**Recommended Conditions of Approval - Special Development Permit**

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing by the Planning Commission.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building Permit for this project.
- C. Building Permit plans shall be accompanied by an annotated set of the conditions of approval indicating how the project complies with each condition.
- D. Submit a complete plan check for the first Building Permit submittal; no partial sets are allowed.
- E. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- F. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- G. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- H. A final Stormwater Management Plan is subject to the review of the Director of Community Development prior to issuance of a building permit.
- I. Santa Clara Valley Water District permits are required prior to demolition since this project is within 50 feet of the top of stream bank (Sunnyvale East Channel). Staff will assist in coordination of this process when the SDP is approved.
- J. The basement/laundry rooms in all units shall not be made to be living square footage and shall not have a secondary egress point.
- K. No portion of the building may be within any vision triangle area.

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain necessary development permit from the Department of Public Works for all proposed off-site improvements.

**3. ENVIRONMENTAL MITIGATION MEASURES**

- A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts:

***WHAT:***

1. *Any residential unit fronting on Aster Avenue or Willow Avenue shall have **ALL** windows and doors (including any side windows/doors) sound rated to a range of STC 40 or greater.*
2. *All other residential units shall have all windows and doors sound rated to a range of STC 30 or greater.*
3. *Since all windows and doors are required to be shut to achieve LDN 45dB or less, ventilation or air conditioning systems are required to be incorporated to provide a habitable noise environment for all habitable space.*
4. *Prior to final occupancy of all units facing Aster Avenue or Willow Avenue, a noise consultant shall conduct a 24-hour test analyzing the existing interior noise levels. The measurement occurred over two, 24-hour period when Calstone is under full operation (24 hours) and the results are presented as an average for the day and shall achieve an LDN or 45dB or less.*
5. *The CC&Rs for the project shall include a disclosure statement outlining the existing noise conditions in the area, a summary of the Industrial to Residential (ITR) zone, and all existing noise conditions in the area, including air traffic noise, Caltrain noise, Lawrence Expressway noise, and adjacent industrial use noise. The statement shall fully describe the adjacent industrial operations, including allowed uses, hours of operation, types of operations, maximum noise levels allowed, etc. This statement shall be signed by all parties purchasing a unit.*
6. *The developer (KB Home) shall sign an agreement with the City indemnifying the City from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City, and the City shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense.*
7. *A current Sunnyvale Zoning Map (24x36) shall be posted on the wall of the sales office at all times when sales are conducted.*

***WHEN:*** *These mitigation measures will be converted into conditions of approval for this Special Development Permit prior to its final approval by the City's*



*Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance and enforced prior to building permit issuance.*

*WHO: The property owner will be solely responsible for implementation and maintenance of these mitigation measures.*

*HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.*

- B. Submit plans for approval by the Director of Community Development showing the design and method by which continuous or recurrent noise will be buffered.
- C. Final construction drawings shall incorporate all noise mitigation measures as set forth under “Mitigation Measures.”
- D. Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation.
- E. Final plans shall bear the acoustical consultant’s signature.
- F. Acoustical tests shall be performed by the developer’s acoustical engineer to demonstrate that an interior day and night average noise level of DNL 45dB is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units.

## **2. BMR (BELOW MARKET RATE UNITS)**

- A. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
- B. The project will provide ten Below Market Rate ownership dwelling units in compliance with SMC 19.66.
- C. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
- D. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
- E. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c))

- F. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)
- G. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
- H. Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
- I. The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))
- J. Below Market Rate dwelling units shall be offered for sale/rent only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)
- K. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
- L. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
- M. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)

### **3. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)**

- A. Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. (Note: a homeowner's association and CC&R's are required for subdivision of 5 or more units only.)
- B. The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to approval by the City Attorney and Director of Community Development prior to approval of the Final Map. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:
  - 1. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.

2. The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
  3. The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners association, following sale of at least 75% of the units, whichever comes first.
  4. The Conditions of Approval of this SDP.
- C. The CC&Rs shall contain the following language:
1. "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.
- D. It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
- E. It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- F. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a

public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.

- G. No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- H. Third-Party Beneficiary: The rights of the City of Sunnyvale pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of Sunnyvale.
- I. Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property."
- J. The Homeowners Association shall be required to maintain and keep up to date transit information and rideshare information for display in an on site kiosk. The display shall include current VTA transit map, Caltrain station map, contact info websites and phone number for Caltrain, VTA, [www.511.org](http://www.511.org), etc.

#### **4. DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. The roof material shall be concrete flat tiles, or an equivalent high-quality material approved by the Director of Community Development.
- B. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development.
- C. Additional rock or brick façade details shall be added to the exterior of the buildings, similar to the detailing shown in the approved plans.
- D. Foam trim and foam details (shutters, etc.) are not allowed in this project.
- E. The right elevation entrances (1025 units) shall be redesigned to be similar to the front entrances of the other units. This includes the addition of a rock veneer around the entryway, possible addition of a new gabled roof line, and the addition of a recessed porch area.
- F. Final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit.

#### **5. EASEMENTS AND DEDICATIONS**

- A. Dedicate public utility easement on site, in accordance with the approved Tract Map. Install these facilities per Department of Public Works requirements.

**6. EXTERIOR EQUIPMENT**

- A. Individual air conditioning units shall be screened with architecture or landscaping features. This screening shall be shown on the building plans.
- B. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.

**7. FEES**

- A. Pay estimated Park In-lieu fees estimated at \$7,350.75 per unit, for a total of \$588,060 prior to approval of the Final Map or Parcel Map. (SMC 18.10)

**8. FENCES**

- A. Design and location of all proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. The landscape/patio walls shall not be higher than three feet, unless otherwise approved by the Director of Community Development.
- C. Any side yard fence between the building and the public right-of-way shall not exceed three feet in height.
- D. The fence or wall shall not exceed three feet in height for a distance of 10 feet from the street right-of-way.
- E. If front yard fences are proposed, then open decorative type fences, such as picket, post and rail are preferred.
- F. Chain link and barbed wire fences are not allowed in residential areas.
- G. Install and maintain a six foot solid decorative masonry wall, measured from the highest adjoining grade, of a design approved by the Director of Community Development along the southern property lines where the subject property abuts adjacent industrial uses. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.
- H. Only fences, hedges and shrubs or other natural objects three feet or less in height may be located within a “vision triangle” (For definition, refer to Vision Triangle brochure or SMC 19.12.040(16), SMC 19.12.050 (12))

**9. LANDSCAPING**

- A. All new street trees shall be at least 24 inch box trees or greater.
- B. Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries,

pedestrian paths and common areas. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall be consistent with the approved plan.

- C. Provide separate meter for domestic and irrigation water systems.
- D. The landscape plan shall including street trees and shall be submitted and approved per the City Arborist.
- E. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- F. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- G. Of new trees installed, at least 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- H. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
- I. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- J. All areas not required for parking, driveways or structures shall be landscaped.
- K. Provide decorative paving per the approved plans.
- L. Provide a tree protection plan prior to demolition of the site.

#### **10. LIGHTING**

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
- B. Sodium vapor (of illumination with an equivalent energy savings).
- C. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of pedestrian scale and not be greater than 8 feet in height on the periphery of the project.
- D. Provide photocells for on/off control of all security and area lights.
- E. All exterior security lights shall be equipped with vandal resistant covers.
- F. Wall packs shall not extend above the roof of the building.
- G. Lights shall have shields to prevent glare onto adjacent residential properties.

- H. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development.
- I. Installation of lights at a minimum of 50 foot intervals along all private streets.

**11. ON-SITE AMENITIES**

- A. Swimming pools, pool equipment structures, play equipment and other accessory structures, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors.
- B. An on site kiosk or display case is required to provide transit and rideshare information. The case needs to be a minimum of 34 inches wide to accommodate a VTA map and may be located on a building, wall, trellis, or other on-site feature to the approval of the Community Development Director.

**12. PARKING**

- A. Indicate all guest-parking spaces on plans. Such spaces shall be clearly designated prior to occupancy in a manner approved by the Director of Community Development.
- B. All uncovered spaces shall be reserved as guest parking spaces and shall be so designated prior to occupancy.
- C. No parking space shall be offered for rent by the property owners or homeowners association.
- D. Garage spaces shall be maintained at all times so as to allow parking of two automobiles.
- E. Specify compact parking spaces on Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- F. Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises.

**13. BICYCLE PARKING**

- A. Provide 6 Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

**14. STREETS**

- A. Dedicate private streets as emergency vehicle ingress-egress easements.

**15. RECYCLING AND SOLID WASTE**

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.

- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.
- D. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
- E. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.
- F. Remove all debris, structures, area light poles, and paving from the site prior to commencement of new construction.

**16. RIGHT-OF-WAY IMPROVEMENTS**

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Curbs, gutters, and sidewalks shall be installed on the Aster and Willow street frontages.
- C. Curbs, gutters, sidewalks, streets, utilities, streetlights, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.

**17. TRAILERS**

- A. The temporary sales and construction trailer(s) shall be subject to following requirements:
  - 1. Trailer(s) shall be placed on the premises not sooner than 15 days following the date of City approval and shall be removed 30 days after the final unit is sold.
  - 2. Trailer entrance(s) shall be oriented towards the nearest building.
  - 3. Any variation from the location of the trailer(s), as represented by the submitted plan, shall be subject to approval by the Director of Community Development.
  - 4. Area lighting shall be provided in the vicinity of the trailer(s).

**18. UNDERGROUND UTILITIES**

- A. All proposed utilities shall be undergrounded.
- B. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.



**19. VEHICLES**

- A. No vehicles or trailers shall be advertised for sale or rent on the site and nor vehicle sales, leasing or rentals shall be conducted at the site.

**20. MISCELLANEOUS**

- A. The clubhouse water heater shall be a tankless water heater.

**21. TENTATIVE MAP CONDITIONS**

- A. The developer (KB Home) shall sign an indemnification agreement with the City, absolving the City from future liability in regards to noise complaints as a result of this project.
- B. A pedestrian crosswalk shall be striped across Willow Avenue for pedestrian connectivity from Aster Avenue to the sidewalk leading along Willow to the Caltrain station.
- C. Full development fees shall be paid for each project parcel or lot shown on the Final Tract Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- D. Comply with all applicable code requirements as noted in the Standard Development Requirements.
- E. Construct new sidewalk, curb, and gutter along Aster Ave. A minimum 5-foot wide sidewalk is required along entire frontage of project, taking into account of existing mature trees for placement.